

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed August 25, 2004. At the time of the Office Action, Claims 7-28 were pending in this Application. Claims 1-6 were previously canceled by Applicants. Claims 7-28 were rejected. Applicants amend Claims 7-20 and 22-27. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 7-22, 27, and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,681,572 issued to William J. Seare, Jr. ("Seare") in view of U.S. Patent 4,503,157 issued to Seiichi Hatahira ("Hatahira").

Applicant respectfully traverses and submits the combination of Seare and Hatahira, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious. The presently claimed embodiment is directed to a drug delivery system comprising "a body manufactured from a composition consisting essentially of fibers and a fusion source, wherein the fibers are fused together such that the body comprises a plurality of voids of a predetermined mean void size." In contrast, Seare, Jr., and Hatahira disclose bodies manufactured from some other material, not fibers, *e.g.*, silicone rubber, polyester resin, metal or metal alloy or ceramic (Seare, Jr.) and sintered apatite (Hatahira). Seare, Jr. discloses the use of "fibers" as "reinforcing material" for his material, not as the material itself. (Col. 9, lines 44-48) Likewise, Hatahira discloses the use of "fiber materials" as "reinforcing materials" for Hatahira's apatite body. (Col. 4, lines 66-Col. 5, line 17) Consequently, Seare, Jr. and Hatahira mention silica fibers as an example of a material to reinforce a body, not as a material to produce a body consisting essentially of fused fibers. Indeed, the combination of the teachings of Hatahira with Seare, Jr. would lead one of skill in the art to consider using "silica fibers" (of Hatahira) as reinforcing material for Seare, Jr.'s silicone rubber, polyester resin, or epoxy resin, etc., body. The teachings of Hatahira does not teach one of skill in the art to make a body for Seare, Jr.'s application out of a composition consisting essentially of fibers fused together. The art of record merely teaches the use of fibers as "reinforcing materials" for other materials. Applicant, based upon the

clarified claim language and the above-remarks, respectfully requests withdrawal of the rejection and favorable action in relation to independent claim 7 and its dependents, 8-28.

In relation to the rejection of claims 23-26 based upon a combination of Seare, Jr. and Hatahira as applied to claim 7, and further in light of Corwin, Applicant for the same reasons stated above in relation to claim 7 requests withdrawal of the rejection. Like Seare, Jr. and Hatahira, Corwin teaches the use of SiO₂ as a "reinforcement material" (Col. 4, lines 5-17), not a body manufactured from a composition consisting essentially of fibers that are fused together. Thus, Applicant respectfully submits claims 7-28 are in condition for allowance and requests favorable action.

CONCLUSION


Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of Claims 7-28, as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 02-0383 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2606.

Respectfully submitted,

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